

**ENTERED**

April 24, 2025

Nathan Ochsner, Clerk

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

DANA BAILEY,

Plaintiff,

v.

KS MANAGEMENT SERVICES, LLC,

Defendant.

§  
§  
§  
§  
§  
§  
§  
§

Civil Action No. 4:20-CV-00059

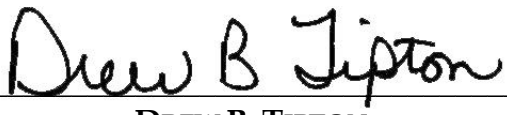
MEMORANDUM OPINION AND ORDER

Pending before the Court is Plaintiff's Motion to Extend Notice of Appeal Filing Deadline. (Dkt. No. 81). A district court may, in its discretion, extend the time to file a notice of appeal if a party (1) moves within 30 days of the initial deadline, and (2) shows excusable neglect or good cause. Fed. R. App. P. 4(a)(5). Generally, "[e]xcusable neglect is a 'somewhat elastic' concept, and should be interpreted accordingly." *Jingping Xu v. Univ. of Tex. MD Anderson Cancer Ctr.*, No. 4:10-CV-03711, 2013 WL 6210641, at \*1 (S.D. Tex. Nov. 27, 2013) (quoting *United States v. Clark*, 51 F.3d 42, 43–44 (5th Cir. 1995)). In determining excusable neglect under Rule 4(a)(5)(A), courts must undergo an "equitable and flexible" inquiry that "considers all the relevant circumstances." *Id.* (first citing *Stotter v. Univ. of Tex. at San Antonio*, 508 F.3d 812, 820 (5th Cir. 2007); and then citing *Clark*, 51 F.3d at 43–44). The Court finds that an extension will not result in unfair prejudice or delay. The Court also finds that there is no evidence of bad faith. Accordingly, the Court finds excusable neglect. Plaintiff's Motion to Extend Notice of

Appeal Filing Deadline, (Dkt. No. 81), is **GRANTED**. Plaintiff's notice of appeal must be filed by May 16, 2025.

IT IS SO ORDERED.

Signed on April 23, 2025.

  
DREW B. TIPTON  
UNITED STATES DISTRICT JUDGE